

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MERRILL CORP.,

Plaintiff,

v.

CORD BLOOD AMERICA, INC., and CORD
PARTNERS, INC.,

Defendants.

CASE NO. C05-1006RSM

ORDER DENYING MOTION FOR
EXTENSION OF TIME

This matter comes before the Court on defendant Cord Partners, Inc.'s Motion for Extension of Time. (Dkt. #17). Defendant asks that it be given an extension of time to file a response to plaintiff's pending motion for summary judgment, and asks the Court to re-note the motion for summary judgment from January 6, 2006, until January 27, 2006, or sometime thereafter. Defendant argues that filing a response on the current due date of January 2, 2006, will be difficult because its lead counsel will be out of the country from December 29, 2005 until January 11, 2006, and it is difficult to contact relevant witnesses over the December holidays.¹ Plaintiff has opposed the motion.

Having reviewed defendant's motion, plaintiff's opposition, and the remainder of the record, the Court hereby finds and ORDERS:

¹ Defendant properly filed its response to the motion for summary judgment since the noting date for the instant motion came after the response due date. The Court does not consider the filing of such response as rendering the instant motion moot.

1 (1) Defendant Cord Partners, Inc.'s Motion for Extension of Time (Dkt. #17) is
2 DENIED. The Court finds that defendant has not shown good cause for such an extension.
3 Defendant was served with plaintiff's motion for summary judgment on December 15, 2005. At
4 that time, defendant had to be aware that the December holidays and lead counsel's
5 international travel plans may affect its ability to prepare its response. However, instead of
6 asking for an extension of time at that point, defendant waited until just seven calendar days –
7 four judicial days – prior to its response deadline to ask for such an extension. Thus, it appears
8 to the Court that it may have been defendant's own delay, not travel plans or the holidays, that
9 prompted defendant's request for an extension of time. The Court finds that such a delay does
10 not warrant an extension. Accordingly, the Court will proceed with consideration of plaintiff's
11 motion for summary judgment, which has now been completely briefed.

12 (2) The Clerk shall direct a copy of this Order to all counsel of record.

13 DATED this 10 day of January, 2006.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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